

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 136

Introduced by Senators Huff, Denham, Harman, and Hollingsworth
(Coauthor: Senator Runner)

(Coauthors: Assembly Members DeVore, Fuller, Harkey, Jeffries,
Knight, and Nestande)

February 10, 2009

~~An act to amend Section 11011 of the Government Code, relating to state property.~~ *An act relating to state real property.*

LEGISLATIVE COUNSEL'S DIGEST

SB 136, as amended, Huff. ~~Surplus state real property: exemption from the California Environmental Quality Act.~~ *State real property.*

Existing law authorizes the Director of General Services to acquire and dispose of state real property under specified conditions.

This bill would authorize the department to dispose of 3 specified parcels of real property pursuant to certain provisions.

(1) ~~Existing law, the California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. Other provisions of existing law authorize the Department of General Services to dispose of real property that the Legislature has declared surplus, and has directed the disposal of this surplus, by the Department of General Services.~~

This bill would exempt the sale of surplus state real property made on an "as is" basis from designated provisions of CEQA. The bill would

also exempt from those provisions of CEQA the execution of the disposition agreement for surplus state real property when the disposition is not made on an “as is” basis and the close of escrow is contingent on specified conditions.

(2) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Director of General Services may dispose of
2 all or any portion of the following parcels of real property pursuant
3 to Section 11011.1 of the Government Code:

4 (a) Parcel 1, consisting of approximately 2.76 acres, known as
5 the Harts Mills Forest Fire Station (Old), located at 9476
6 Oro-Quincy Highway, in Berry Creek, Butte County.

7 (b) Parcel 2, consisting of approximately 47 acres, known as
8 the Mendocino Ranger Station Excess Land, located at 17501
9 North Highway 101, in Willits, Mendocino County.

10 (c) Parcel 3, consisting of an approximately 6-acre portion of
11 the 18-acre parcel, known as the South Carlsbad State Beach,
12 located near El Arbol Drive and Manzano Drive, in Carlsbad, San
13 Diego County.

14 SECTION 1. Section 11011 of the Government Code is
15 amended to read:

16 11011. (a) On or before December 31 of each year, each state
17 agency shall make a review of all proprietary state lands, other
18 than tax-deeded land, land held for highway purposes, lands under
19 the jurisdiction of the State Lands Commission, land that has
20 escheated to the state or that has been distributed to the state by
21 court decree in estates of deceased persons, and lands under the
22 jurisdiction of the State Coastal Conservancy, over which it has
23 jurisdiction to determine what, if any, land is in excess of its

1 foreseeable needs and report thereon in writing to the Department
2 of General Services. These lands shall include, but not be limited
3 to, the following:

4 (1) Land not currently being utilized, or currently being
5 underutilized, by the state agency for any existing or ongoing state
6 program.

7 (2) Land for which the state agency has not identified any
8 specific utilization relative to future programmatic needs.

9 (3) Land not identified by the state agency within its master
10 plans for facility development.

11 (b) Jurisdiction of all land reported as excess shall be transferred
12 to the Department of General Services, when requested by the
13 director of that department, for sale or disposition under this section
14 or as may be otherwise authorized by law.

15 (c) The Department of General Services shall report to the
16 Legislature annually, the land declared excess and request
17 authorization to dispose of the land by sale or otherwise.

18 (d) The Department of General Services shall review and
19 consider reports submitted to the Director of General Services
20 pursuant to Section 66907.12 of this code and Section 31104.3 of
21 the Public Resources Code prior to recommending or taking any
22 action on surplus land, and shall also circulate the reports to all
23 agencies that are required to report excess land pursuant to this
24 section. In recommending or determining the disposition of surplus
25 lands, the Director of General Services may give priority to
26 proposals by the state that involve the exchange of surplus lands
27 for lands listed in those reports.

28 (e) Except as otherwise provided by any other law, whenever
29 any land is reported as excess pursuant to this section, the
30 Department of General Services shall determine whether or not
31 the use of the land is needed by any other state agency. If the
32 Department of General Services determines that any land is needed
33 by any other state agency it may transfer the jurisdiction of this
34 land to the other state agency upon the terms and conditions as it
35 may deem to be for the best interests of the state.

36 (f) When authority is granted for the sale or other disposition
37 of lands declared excess, and the Department of General Services
38 has determined that the use of the land is not needed by any other
39 state agency, the Department of General Services shall sell the
40 land or otherwise dispose of the same pursuant to the authorization,

~~upon any terms and conditions and subject to any reservations and exceptions as the Department of General Services may deem to be for the best interests of the state. The Department of General Services shall report to the Legislature annually, with respect to each parcel of land authorized to be sold under this section, giving the following information:~~

~~(1) A description or other identification of the property.~~

~~(2) The date of authorization.~~

~~(3) With regard to each parcel sold after the next preceding report, the date of sale and price received, or the value of the land received in exchange.~~

~~(4) The present status of the property, if not sold or otherwise disposed of at the time of the report.~~

~~(g) Except as otherwise specified by law, the net proceeds received from any real property disposition, including the sale, lease, exchange, or other means, that is received pursuant to this section shall be paid into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, established pursuant to subdivision (f) of Section 20 of Article XVI of the California Constitution, until the time that the bonds issued pursuant to the Economic Recovery Bond Act (Title 18 (commencing with Section 99050)), approved by the voters at the March 2, 2004, statewide primary election, are retired. Thereafter, the net proceeds received pursuant to this section shall be deposited in the Special Fund for Economic Uncertainties.~~

~~For purposes of this section, net proceeds shall be defined as proceeds less any outstanding loans from the General Fund, or outstanding reimbursements due to the Property Acquisition Law Money Account for costs incurred prior to June 30, 2005, related to the management of the state's real property assets, including, but not limited to, surplus property identification, legal research, feasibility statistics, activities associated with land use, and due diligence.~~

~~(h) The Director of Finance may approve loans from the General Fund to the Property Acquisition Law Money Account, which is hereby created in the State Treasury, for the purposes of supporting the management of the state's real property assets.~~

~~(i) Any rentals or other revenues received by the department from real properties, the jurisdiction of which has been transferred to the Department of General Services under this section, shall be~~

1 deposited in the Property Acquisition Law Money Account and
2 shall be available for expenditure by the Department of General
3 Services upon appropriation by the Legislature.

4 (j) Nothing contained in this section shall be construed to
5 prohibit the sale, letting, or other disposition of any state lands
6 pursuant to any law now or hereafter enacted authorizing the sale,
7 letting, or disposition.

8 (k) (1) The disposition of a parcel of surplus state real property,
9 pursuant to Section 11011.1, made on an “as is” basis shall be
10 exempt from Chapter 3 (commencing with Section 21100) to
11 Chapter 6 (commencing with Section 21165), inclusive, of Division
12 13 of the Public Resources Code. Upon title to the parcel vesting
13 in the purchaser or transferee of the property, the purchaser or
14 transferee shall be subject to any local governmental land use
15 entitlement approval requirements and to Chapter 3 (commencing
16 with Section 21100) to Chapter 6 (commencing with Section
17 21165), inclusive, of Division 13 of the Public Resources Code.

18 (2) If the disposition of a parcel of surplus state real property,
19 pursuant to Section 11011.1, is not made on an “as is” basis and
20 close of escrow is contingent on the satisfaction of a local
21 governmental land use entitlement approval requirement or
22 compliance by the local government with Chapter 3 (commencing
23 with Section 21100) to Chapter 6 (commencing with Section
24 21165), inclusive, of Division 13 of the Public Resources Code,
25 the execution of the purchase and sale agreement or of the exchange
26 agreement by all parties to the agreement shall be exempt from
27 Chapter 3 (commencing with Section 21100) to Chapter 6
28 (commencing with Section 21165), inclusive, of Division 13 of
29 the Public Resources Code.

30 (3) For the purposes of this subdivision, “disposition” means
31 the sale, exchange, sale combined with an exchange, or transfer
32 of a parcel of surplus state property.

33 SEC. 2. This act addresses the fiscal emergency declared by
34 the Governor by proclamation on December 19, 2008, pursuant
35 to subdivision (f) of Section 10 of Article IV of the California
36 Constitution.